

## REMARKS

This Amendment and Response is responsive to the Office action dated July 20, 2006, setting forth a shortened three month statutory period for reply with a three month extension of time expiring on January 22, 2007, since January 20, 2007 fell on a Saturday. This response is submitted on January 22, 2007; thus, a petition and fee for a three month extension of time accompany this Amendment and Response.

The Applicant thanks the Examiner for reviewing this application and issuing an Office action.

Prior to entry of this Amendment and Response, claims 14-61 are pending in the application, with claims 14, 26, 38 and 50 being independent claims. No claims are added, amended, cancelled, or withdrawn; the Applicant has simply provided another listing of claims for the Examiner's convenience. Accordingly, after entry of this Amendment and Response, claims 14-61 remain pending.

### **I. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 14-61 are rejected as unpatentable over U.S. Patent Nos. 6,055,669 issued to Albert (hereinafter "Albert"). For at least the following reasons, the Applicant respectfully disagrees with these rejections.

The Examiner asserts it is irrelevant that Albert is in the chain of priority for this application because there is no disclosure in Albert of the apparent point of novelty in the claims (i.e., the presence of an adhesive layer located on base material on the side opposite the suction cups). The Applicant respectfully disagrees with the Examiner.

The Applicant draws the Examiner's attention to Fig. 5 and lines 6-10 and 32-34 in col. 4 of Albert. Albert's Fig. 5 depicts a base (unnumbered) attached to an object (i.e., a glove 62). Suction cups 60 extend from the side of the base opposite the side attached to the glove 62. (See Fig. 5; col. 4, ll. 32-34). The suction cups 60 are described as attached to the object by an adhesive, sewing, or the like. (Col. 4, ll. 6-10).

The Applicant respectfully submits that one skilled in the art would understand from at least Fig. 5 and col. 4, ll. 6-10 and 32-34, that the base shown and described in Albert, like the suction cups 60, may be attached to an object using an adhesive, and that the adhesive would be located on the side of the base opposite the suction cups 60. Additionally, in the current application, Fig. 5 is the same as Fig. 5 in Albert and the passages at col. 4 in Albert are reproduced on pages 10 and 11 of the application at lines 15-17 and 3-4, respectively. Accordingly, the Applicant respectfully submits claims 14-61 are supported by Albert, and thus the effective filing date for the claims is at least as early as Albert. Moreover, since the claims are supported by Albert and Albert is properly in the chain of priority, Albert is not

available as a prior art reference. Since the Examiner cites no other references as a basis to reject claims 14-61 under 35 U.S.C. §§ 102 or 103, the Applicant respectfully submits the claims are patentable.

To the extent the Examiner continues to take the position that Albert does not support the claims in the current application (which the Applicant strongly disagrees with), the Applicant respectfully submits the Examiner does not have support for taking Official Notice that using an adhesive layer to attach a grip enhancing material to a desired object is well known. More particularly, if Albert's written description and drawings are insufficient to support the current application's claims, then using an adhesive layer to attach a grip enhancing material to a desired material is not as well known as asserted by the Examiner because if it was as well known, one skilled in the art would clearly understand from at least Fig. 5 and col. 4, ll. 6-10 and 32-34 that the base may be attached to an object using an adhesive. In other words, if the Examiner continues to maintain the position that Albert does not support the claims, then Albert fails to render the claims obvious since Albert would then fail to teach or suggest using an adhesive to attach the base to an object. Accordingly, claims 14-61 are patentable over Albert if the Examiner continues to maintain Albert does not support the claims in the current application.

For at least the foregoing reasons, the Applicant respectfully submits claims 14-61 are patentable. Accordingly, the Applicant respectfully requests the Examiner to allow these claims.

## **II. Non-Statutory Obviousness-Type Double Patenting Rejection**

Claims 14-61 are rejected as unpatentable over Albert, U.S. Pat. No. 6,427,248 issued to Albert (hereinafter "Albert I"), and U.S. Pat. No. 6,675,392 (hereinafter "Albert II") on the grounds of non-statutory obviousness-type double patenting. This application, Albert, Albert I, and Albert II are all commonly owned. Three terminal disclaimers, one for each Albert patent, in compliance with 37 C.F.R. § 1.321(c) accompany this Amendment and Response. The Applicant respectfully submits these terminal disclaimers overcome the Examiner's rejections for non-statutory obviousness-type double patenting. Accordingly, the Applicant respectfully requests the Examiner to withdraw his rejections and allow the claims.

## **III. Provisional Non-Statutory Obviousness-Type Double Patenting**

Claims 14-61 are provisionally rejected as unpatentable over co-pending U.S. Application No. 10/384,003 (hereinafter "the '003 Application") on the grounds of non-statutory obviousness-type double patenting. The '003 Application and this application are commonly owned. A terminal disclaimer for the co-pending application in compliance with 37 C.F.R. § 1.321(c) accompanies this Amendment and Response. The Applicant

respectfully submits this terminal disclaimer overcomes the Examiner's provisional rejections for non-statutory obviousness-type double patenting. Accordingly, the Applicant respectfully requests the Examiner to withdraw his rejections and allow the claims.

#### IV. Conclusion

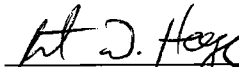
After entry of the above listing of claims, claims 14-61 remain in the application. In accordance with the amendments and arguments set forth herein, the Applicant respectfully submits the application and all claims are in a condition for allowance, and requests such prompt allowance.

A petition for a three-month extension of time and four terminal disclaimers accompany this Amendment and Response. Please charge Deposit Account No. 04-1415 in the amount of \$770 to cover the extension of time (\$510) and terminal disclaimer (\$260) fees. The Applicant believes no further fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this as authorization therefor and please charge such fees to Deposit Account number 04-1415.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, he is invited to contact the undersigned at (303) 352-1118.

Dated: January 22, 2007.

Respectfully submitted,



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